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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,098	08/04/2008	Thomas Andrew Cohen	ACE0018U	1604

33372 7590 07/28/2011

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EXAMINER	
DAVIS, TONY O	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/587,098	COHEN, THOMAS ANDREW	
	Examiner	Art Unit	
	TONY DAVIS	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) *1-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/24/06* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/2/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 22-41 are rejected** under **35 U.S.C. 103(a)** as being unpatentable over **Lohbihler et al. (US 2004/0056849)**, hereinafter referred to as Lohbihler, **in view of Moran et al. (US 6326946)**, hereinafter referred to as Moran.

Regarding claim 22, Lohbihler teaches A physical user interface (touch screen assembly 40 of fig 1) for a microprocessor device that runs an operating system (paragraph 36, fig 1), comprising: an array of sensors (conductive layer 1 of fig 1) located below a (surface 1 of fig 1) workspace (paragraph 37, fig 1); the workspace divided into regions (region containing knob 3, region containing fader 4, and region where stylus 2 contacts conductive surface 1, all of fig 1) that are discemible to a user (paragraph 36, fig 1), each region signifying a command to or an action performed by the operating system (paragraph 36, fig 1); one or more tokens that are uniquely identifiable by the sensors, each sensor producing a recognition signal; a signal processor for determining, from the recognition signal, the identity of a token and the region that token is in and producing an

associated first output; a control program for turning the first output into a second output that is capable of being interpreted by the operating system as a command. **However, Lohbihler fails to explicitly teach** one or more tokens that are uniquely identifiable by the sensors, each sensor producing a recognition signal; a signal processor for determining, from the recognition signal, the identity of a token and the region that token is in and producing an associated first output; a control program for turning the first output into a second output that is capable of being interpreted by the operating system as a command.

In a similar field of endeavor, Moran discloses Operator icons for information collages. **In particular, Moran teaches** one or more tokens (physical artifact 32 of fig 1) that are uniquely identifiable by the sensors (identification based on electronic tags, radio frequency transmitters, infrared transceivers, acoustics, etc.), each sensor producing a recognition (via identification unit 14 of fig 1 and location unit 16 of fig 1) signal (col. 5 line 11-17, 30-44, 54-67, col. 6 line 50-67, col. 7 line 1-25, col. 8 line 16-31,47-63, fig 1-4; signal processor (information processing system 18 of fig 1) for determining, from the recognition signal, the identity of a token and the region that token is in and producing an associated first output (col. 4 line 47-51, col. 9 line 12-42, fig 1-4 a control program for turning the first output into a second output that is capable of being interpreted by the operating system as a command (col. 9 line 21-42, fig 4)

Lohbihler teaches the claimed invention except one or more tokens that are uniquely identifiable by the sensors, each sensor producing a recognition signal; a signal processor for determining, from the recognition signal, the identity

of a token and the region that token is in and producing an associated first output; a control program for turning the first output into a second output that is capable of being interpreted by the operating system as a command. Moran teaches it is well known to one of ordinary skill in the art at the time of the invention a control program for turning the first output into a second output that is capable of being interpreted by the operating system as a command.

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 23, Lohbihler fails to explicitly teach The physical user interface of claim 22, wherein: the sensors are RFID antennae and the token is a RFID token.

Moran teaches The physical user interface of claim 22, wherein: the sensors are RFID antennae and the token is a RFID token (col. 5 line 34-67, fig 1).

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 24, Lohbihler fails to explicitly teach The physical user interface of claim 22, wherein: the command is one that relates to the organisation of a desktop of a graphical user interface.

Moran teaches The physical user interface of claim 22, wherein: the command is one that relates to the organisation of a desktop of a graphical user interface (col. 6 line 62-65, and col. 9 line 21-54, fig 1 and 4).

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 25, Lohbihler fails to explicitly teach The physical user interface of claim 22, wherein: the token identifies, to the operating system, a specific executable program and the command relates to the specific program.

Moran teaches The physical user interface of claim 22, wherein: the token identifies, to the operating system, a specific executable program and the command relates to the specific program (col. 6 line 62-65, and col. 9 line 21-54, fig 1 and 4).

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 26, Lohbihler fails to explicitly teach The physical user interface of claim 22, wherein: the token has a memory that can be written to by the interface and that carries data that may be read by the interface, the data that is read being provided by the control program to the operating system.

Moran teaches The physical user interface of claim 22, wherein: the token has a memory that can be written to by the interface and that carries data that may be read by the interface, the data that is read being provided by the control program to the operating system (col. 6 line 62-65, and col. 9 line 21-54, fig 1 and 4).

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 27, Lohbihler fails to explicitly teach The physical user interface of claim 22, wherein: the command is one that relates to the size or position of a window in a graphical user interface and is one selected from the group comprising: open, close, restore, scroll, minimise or maximise.

Moran teaches The physical user interface of claim 22, wherein: the command is one that relates to the size or position of a window in a graphical user interface and is one selected from the group comprising: open, close, restore, scroll, minimise or maximize (col. 6 line 62-65, and col. 9 line 21-54, fig 1 and 4).

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 28, it is rejected for the same rational as the rejection of claim 22 since both claims are very similar in wording and composition.

Regarding claim 29, it is rejected for the same rational as the rejection of claim 23 since both claims are very similar in wording and composition.

Regarding claim 30, it is rejected for the same rational as the rejection of claim 24 since both claims are very similar in wording and composition.

Regarding claim 31, it is rejected for the same rational as the rejection of claim 25 since both claims are very similar in wording and composition.

Regarding claim 32, it is rejected for the same rational as the rejection of claim 26 since both claims are very similar in wording and composition.

Regarding claim 33, it is rejected for the same rational as the rejection of claim 27 since both claims are very similar in wording and composition.

Regarding claim 34, it is rejected for the same rationale as the rejection of claim 22 since claim 34 is the method claim operated using the apparatus claim 22.

Regarding claim 35, it is rejected for the same rationale as the rejection of claim 23 since claim 35 is the method claim operated using the apparatus claim 23.

Regarding claim 36, it is rejected for the same rationale as the rejection of claim 25 since claim 36 is the method claim operated using the apparatus claim 25.

Regarding claim 37, it is rejected for the same rationale as the rejection of claim 26 since claim 37 is the method claim operated using the apparatus claim 26.

Regarding claim 38, it is rejected for the same rationale as the rejection of claim 27 since claim 38 is the method claim operated using the apparatus claim 27.

Regarding claim 39, Lohbihler fails to explicitly teach The physical user interface of claim 26, wherein: the data provided to the operating system is then usable as input data to a specific executable program.

Moran teaches The physical user interface of claim 26, wherein: the data provided to the operating system is then usable as input data to a specific executable program (col. 6 line 62-65, and col. 9 line 21-54, fig 1 and 4).

Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lohbihler by incorporating the teachings of Moran for the purpose of enhancing the appearance, usability, and functionality of the display device.

Regarding claim 40, it is rejected for the same rational as the rejection of claim 39 since both claims are very similar in wording and composition.

Regarding claim 41, it is rejected for the same rationale as the rejection of claim 39 since claim 41 is the method claim operated using the apparatus claim 39.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ely et al. (US 2003/0062889) discloses position detector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONY DAVIS whose telephone number is (571)270-5586. The examiner can normally be reached on M-Th 7:30 a.m.-6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quan-Zhen Wang can be reached on 571-272-3114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D./
Examiner, Art Unit 2629